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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 MIKE WESLEY,

11 Plaintiff,

No. CIV S-04-2346 FCD GGH

12 vs.

13 JO ANNE B. BARNHART,
14 Commission of Social Security,

15 Defendant.

ORDER

16 _____/
17 This action was referred to the undersigned pursuant to Local Rule 72-302(c)(15).
18 On May 3, 2005, this court recommended that the action be dismissed because plaintiff had not
19 served the complaint within 20 days of the scheduling order filed November 2, 2004. Plaintiff
20 has now filed objections, in which attorney Shore accepts responsibility and apologizes for the
21 failure to serve, and represents that the complaint has already been sent out for service by
22 certified mail. He indicates he will file proof of service upon receipt. Therefore, the findings
23 and recommendations will be vacated.

24 Accordingly, IT IS ORDERED that:

- 25 1. The findings and recommendations, filed May 3, 2005, are vacated.
26 2. Within 20 days from this order, plaintiff shall complete service of process, and serve a

1 copy of this order on defendant. The remainder of the scheduling order shall remain in effect.

2 DATED: 5/31/05

3 /s/ Gregory G. Hollows

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GREGORY G. HOLLOWS
UNITED STATES MAGISTRATE JUDGE

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